

EXHIBIT C

ILLEGAL TENDER

GOLD, GREED, and the
MYSTERY of the
LOST 1933 DOUBLE EAGLE



DAVID TRIPP

U.S. \$26.00
Can. \$37.50

It is one of America's treasures—the most valuable ounce of gold in the world, the celebrated, the fabled, the infamous 1933 double eagle. It shouldn't even exist but it does, and its astonishing, true adventures read like "a composite of *The Lord of the Rings* and *The Maltese Falcon*" (*The New York Times*). Illegal to own and coveted all the more, it has been sought with passion by men of wealth and with steely persistence by the United States government for more than a half century.

In 1905, at the height of the exuberant Gilded Age, President Theodore Roosevelt commissioned America's greatest sculptor, Augustus Saint-Gaudens—as he battled in vain for his life—to create what became America's most beautiful coin. In 1933 the hopes of America dimmed in the darkness of the Great Depression, and gold—the nation's lifeblood—hemorrhaged from the financial system. As the economy teetered on the brink of total collapse, Franklin Delano Roosevelt, in his first act as president, assumed wartime powers while the nation was at peace and in a "swift, staccato action" unprecedented in United States history recalled all gold and banned its private ownership.

But the United States Mint continued, quite legally, to strike nearly a half million 1933 double eagles that were never issued and were deemed illegal to own. In 1937, along with countless millions of other gold coins, they were melted down into faceless gold bars and sent to Fort Knox. The government thought they had destroyed them all—but they were wrong.

A few escaped, purloined in a crime—an inside job—that wasn't discovered until 1944. Then, the fugitive 1933 double eagles became the focus of a relentless Secret Service investigation spearheaded by the man who had put away Al Capone. All the coins that could be found were seized

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and destroyed. But one was beyond their reach, in a king's collection in Egypt, where it survived a world war, a revolution, and a coup, only to be lost again.

In 1996, more than forty years later, in a dramatic sting operation set up by a Secret Service informant at the Waldorf-Astoria, an English and an American coin dealer were arrested with a 1933 double eagle which, after years of litigation, was sold in July 2002 to an anonymous buyer for more than \$7.5 million in a record-shattering auction. But was it the only one? The lost one?

Illegal Tender, revealing information available for the first time, tells a riveting tale of American history, liberally spiced with greed, intrigue, deception, and controversy as it follows the once secret odyssey of this fabulous golden object through the decades. With its cast of kings, presidents, government agents, shadowy dealers, and crooks, *Illegal Tender* will keep readers guessing about this incomparable disk of gold—the coin that shouldn't be and almost wasn't—until the very end.



DAVID TRIPP is a numismatic and fine art consultant, writer, and cartoonist. He has degrees in classical archaeology, was an actor, photographer, and formerly the director of Sotheby's coin, tapestry, and musical instrument departments. He is married and lives in Columbia County, New York.

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for collectors, museums, or, occasionally, for official presentations. Based on these figures, and the fact that virtually the entire double eagle mintages of 1931 and 1932 (some four million coins) were still sitting in the Mint's vaults gathering dust—a mere hundred of each had been sent to the Treasurer for sale to the public—the number of double eagles to be produced in 1933 was set at \$8,910,000, or 445,500 pieces. As the political firestorm in Washington raged and gold lost its place as a medium of exchange, the Mint in Philadelphia, seemingly oblivious to the real world, lethargically cranked out its golden product.

The process that had begun on February 18 with the first rolling and cutting of the double eagle blanks was concluded on May 19, 1933, when the last group of finished product was delivered to the Cashier. 1933 double eagles had been struck on nineteen days in March, twelve days in April, and ten in May. There had been ten deliveries from the Coiner to the Cashier, beginning on March 15—all after Roosevelt had begun the recall of gold. Dutifully Cashier Harry Powell noted his entries—totaling 100,000 in March, 200,000 in April, and 245,500 in May. On the date of each delivery, two specials were pouched off to Washington and a book entry was made to account for the number that would be required for the Assay Commission.

Although the regulations required that the coins to be tested were to be randomly taken from each delivery, in practice this was not done, and shortcuts were taken, rules certainly bent, if not actually broken.

In all, only *two* bags—stored in the cashier's office vault—containing a total of five hundred coins (from the March 15 and April 26 deliveries) were actually opened and used to draw down from until the numbers balanced. Twenty coins were sent to Washington for assay as specials, and 446 were reserved for the Assay Commission. Whether these last coins were physically segregated and placed in the Pyx Box as required by regulations is unclear. Powell may have simply made a paper transfer to be completed when the coins were physically needed for the meeting of the commission in February, 1934. This was a breach of the strictest reading of the Mint's Regulations but must have been common practice, as the entries in the Cashier's ledger made no attempt to disguise the procedure.

The first six special coins, representing the first three deliveries in March, were tested together by Assayer Quirk, and his report confirming they met the stipulated requirements was signed and forwarded from Washington to Philadelphia on March 29, 1933. The day that report was physically received in Philadelphia was the first day that in normal circumstances the law would have permitted the issuance of 1933 double eagles.

The 1933 double eagle is the Yeti—the abominable snowman—of coins. For years shadowy sightings of other examples have been reported with varying degrees of credibility. Numismatics is a field that has frequently been awash in scuttlebutt, gossip, and innuendo. Some settle in comfortably to become part of the rich oral history of the field. Differentiating the kernels of truth from the cobs of myth is not just a challenge but part of the entertainment. Determining the absolute truth is well-nigh impossible for the average Joe, and in the case of the 1933 double eagle, even the highly trained professionals of the Secret Service could not fully satisfy their curiosity in the pursuit of justice.

No one except those who took part in each scene of each act of the drama will ever know for sure what happened. So many men had convenient bouts of amnesia, wove fiction, or unabashedly stonewalled. James G. Macallister, who earnestly tried to help Harry Strang, provided him with the most tantalizing clue of all: that Switt had owned twenty-five and sold only fourteen.

Despite some modern complaints that the Secret Service investigation was over-vigorous, this last clue was never pursued, aggressively or otherwise. Strang reported bluntly and repeatedly on the many suspects' implausible, unreliable statements and their utter contempt for the truth. Even if they weren't all criminals, neither were they choirboys. But in the end their equivocation succeeded in preventing the discovery of the source of the coins. With hopes of prosecution quashed by the statute of limitations, all that was left to the government was recovery of the coins.

But were there more than Strang had identified? The unexpected appearance in 1952 of Louis Eliasberg's tenth coin proves that there were. And are there *still* more? Most knowledgeable professionals in the coin trade believe that there are indeed other 1933 double eagles out there. But the harsh light of international publicity cast on Stephen Fenton's coin has made those other coins even more dangerous to own. It would be well nigh impossible now—unlike Stephen Fenton and Jay Parrino—not to know (or even *claim* not to know), that the United States Government considers these objects stolen property. F. C. C. Boyd's concern that collectors be informed of the 1933 double eagles' status has at last been answered.

But what *about* others?

Surprisingly, there have been few sightings over the decades, and even fewer of any veracity, but enough rumor to make things interesting.



EXHIBIT D

EXHIBIT

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11-3-08
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VIA NAVY WIRE

250 N.G. 25 Trsy
Washington D. C. Mar 7, 1933

U S MINT
PHILA PA.

AUTHORIZED TO ISSUE GOLD COIN OR BARS IN EXCHANGE FOR GOLD BULLION
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DOUGLAS ASST SECY

546 P

MINT 009789

EXHIBIT E

322

March 15, 1935

Mr. Lewis A. Brown,
School of Business Administration,
The University of Buffalo,
Buffalo, New York.

Sir:

Receipt is acknowledged of your letter of March 13th.

The Mints are allowed to receive gold and to pay out for it an equivalent amount of gold; that is, if a depositor presents gold scrap in the form of jewelry or dental scrap and asks to have the equivalent in gold returned, this would be done.

Such a transaction neither increases nor depletes the stock of gold in the Treasury.

Respectfully,

W. A. Grant,
Director of the Mint.

EXHIBIT

tabbies

TRIPP 22
MH 10-3-08

LANG00147

259

March 8, 1933.

Mr. M. J. Stein, President,
Kaiser Manufacturing Company,
74 West 46th Street,
New York City, N. Y.

Sir:

Receipt is acknowledged of your letter of March 7th.

The Assay Office at New York has been authorized to issue gold coin or bars in exchange for gold bullion deposits. I think you will have no difficulty in having your transaction at that institution adjusted to your satisfaction.

Respectfully,

Wm. H. Allen

Acting Director of the Mint.

EXHIBIT

TRIPP 24
MK 10-3-08

LANG000481

247

DECLASSIFIED
Authority NND-994217
ON 11/11/00 DMS

March 8, 1933.

Mr. S. B. Thomas, Jr.,
Harrison & Company,
415 Filbert Street,
Philadelphia, Penna.

Sir:

Your letter of March 7th, addressed to the Secretary of the Treasury, has been referred to this Bureau for attention.

The Superintendent of the Mint at Philadelphia has been authorized to exchange gold for gold. I am glad that your transaction with the Mint at Philadelphia can now be completed to your satisfaction.

Respectfully,

H. M. O'Reilly

Acting Director of the Mint.

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EXHIBIT F

Payments in Gold Coin March to April 11, 1933

Date Paid	Deposit No	Amount Paid	Notations in Register of Deposits
March 7	11167	718.70	✓ Gold Coins Small Denoms.
7	11206	115.36	Gold Coins
7	11171	1,479.02	Cash + Gold Coins
8	11272	106.54	Cash - \$5 + 1/10 Gold Coins
9	11338	106.51	? Cash \$5 Bills
	11348	220.88	Gold Coins
	11354	996.96	Cash - Gold - Not over \$10 Notes
	11360	118.83	Gold Coins
	11405	3,234.82	"
	11368	790.22	"
	11399	281.55	"
10	11476	124.01	1/2 E - 1/10 E - E + Dr
	11506	109.30	Gold Coins
	11334	145.56	Cash - Gold Coins
	11325	1175.96	Gold Coins
14	11615	780.47	10 Gold Pcs
	11650	200.09	Gold Coins
15	11665	508.74	\$100 Gold Coins Bal. Cash Jas B Greig 926 Chestnut Phila
16	11781	152.60	Gold Coin 77. Finger Anchorage Ktcs
17	11839	105.77	Gold Coin Harold S Rausch 9412 Hough Ave Cleveland O
21	11970	302.33	Gold Coins Edw B Myers
25	12253	162.38	Gold Coin Edw B Myers
30	12354	168.16	Bal. Cash Walter M. Mapp 1107 W 45th St. Phila.
30	12444	414.77	Gold Coins Fall River Loan Co. Fall River, Mass
April 3	12645	153.42	Gold Coin Edw W. Myers - 40 Bayton, Wash D.C.
7	12896	2,046.39	Gold Coins + Cash Walter B Mattern 704 Tilted St. Phila
8	13011	118.42	Gold Coins Edw W. Myers 40 Bayton Wash D.C. Bayton O
11	13121	140.41	Gold Coins Edw W. Myers 40 Bayton Wash D.C. Bayton O

EXHIBIT

 TRIPP 15
 MH 10-3-08

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EXHIBIT G

539 Reibold Bldg.			
1932	Myers Edw. W.	Dayton, Ohio	
Feb 1	Acct. Mesh Bag Co.		
" 27	" "		
" 28	" "		
" 5	" "		
" 7	" "		
" 13	" "		
" 28	" "		
" 33	" "		
" 17	" "		
" 21	" "		
" 23	" "		

539 Reibold Bldg.			
1933	Myers Edw. W.	Dayton, Ohio	
	acct Dayton Mesh Bag, Co.		
Feb 24	Accts 10/27 Sullivan for	157977	
" 28	" 12 60	157319	
Mar 3	" 11 45	157514	
" 13	" 28 63	157913	
" 15	" 16.27	158115	
Mar	Rel. to paym't for deposits	158362	
" 23	D/M requests advice rel. to	158506	
" 24	deposits by		
" 23	for 14.40 to 2 for 2 Coms	158649	

Acct. Dayton Mesh Bag Co. 539 Reibold Bldg.			
1933	Myers Edw. W.	Dayton, Ohio	
Mar 29	Give ch - 24.57 to admin	157132	
Mar 29	for 12.17 to 9 for 9 Coms	158918	
Apr 1	" 13	159033	
" 4	" 11.30	159294	4/14 11985
" 7	" 15.40	159526	4/18 114646
" 11	" 13.17	159767	4/22 159005
" 15	" "	159948	4/27 125800
" 18	Rel. to Method of paym't	159768	
" 24	" 14.03	160126	5/1 14272
" 27	" 13.45	160342	5/3 14220
" 27	" 15.30	160509	5/6 16546
" 29	" 14.55	160616	5/9 14866
May 3	" 17 15	160775	5/10 10992

EXHIBIT

 TRIPP 16
 m# 10-3-08

MINT 013315

Reproduced at NARA's Mid Atlantic Region

639 Reibold Bldg. Acct. Dayton Mesh Bag Co.			
1933	Myers Edw. W. Dayton, Ohio	No	Date Amt
May 6	Lards 14.40 70 9 for ch-	160951	5/13 140.43
" 9	" 11.30 " " " "	161113	5/17 98.71
" 11	" 10.27 " " " "	161210	5/19 112.43
" 13	" 17.50 " " " "	161239	5/20 138.52
" 17	" 16.10 " " " "	161499	5/26 169.38
" 22	" 22.30 " " " "	161695	4/1 225.80
" 25	" 17.72 " " " "	161834	5/3 173.82
June 3	" 22 " " " "	162147	6/12 216.22
" 7	" 14.32 " " " "	162331	6/3 149.71
" 12	" 14.25 " " " "	162522	6/20 144.83

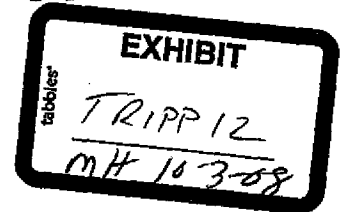
639 Reibold Bldg. Dayton, Ohio			
1933	Myers Edw. W. Acct. Dayton Mesh Bag Co.	No	Date Amt
June 14	Lards 12.70 9 for ch-	162620	7/1 121.42
" 16	" 19.30 70 " " "	162706	7/1 194.94
" 20	" 13.90 70 " " "	162868	7/1 130.80
" 23	" 14.60 " " " "	162981	7/3 174.80
" 29	" 13.20 " " " "	163218	7/7 120.48
July 3	" 10.70 " " " "	163360	7/12 117.31
" 7	" 11.80 " " " "	163525	7/14 113.44
" 14	" 17.40 " " " "	163770	7/21 174.69
" 20	" 17.90 " " " "	164009	7/27 191.22
" 25	" 12.15 " " " "	164159	8/2 128.71
" 29	" 17.40 " " " "	164298	8/4 189.80

639 Reibold Bldg. Dayton, Ohio			
1933	Myers Edw. W. Acct. Dayton Mesh Bag Co.	No	Date Amt
Aug 1	Lards 16.00 90 9 for ch-	164515	8/1 160.00
" 8	" 12.75 " " " "	164619	8/1 127.50
" 12	" 11.75 " " " "	164723	8/1 117.50
" 17	" 5.75 " " " "	164827	8/1 57.50
" 19	" 16.66 " " " "	164931	8/1 166.66
" 22	" 13.90 " " " "	165035	8/1 139.00
" 25	" 14.10 " " " "	165139	8/1 141.00
" 29	" 12.00 " " " "	165243	8/1 120.00
Sept 1	" 12.95 " " " "	165347	8/1 129.50
" 7	" 12.95 " " " "	165451	8/1 129.50
" 12	" 10.12 " " " "	165555	8/1 101.20

MINT 013316

EXHIBIT H

COPY OF A COPY



WJW

February 21, 1934.

Memorandum for the Cashier,
Treasurer's Office:

The following amounts of new coins held for the Division of General Accounts to fill requests for a few pieces of new coins for special purposes may be released and transferred to your cash:

Philadelphia coinage:

1931 double eagles	\$640
1932 double eagles	1,360
1932 eagles	450
1933 eagles	960
1929 half eagles	240
1930 quarters	200
1932 quarters	1,450

Denver coinage:

1921 double eagles	1,000
1922 quarters	1,465
1931 dimes	80

San Francisco coinage:

1922 silver dollars	170
1923 silver dollars	170
1930 quarters	35
1932 quarters	1,415
1931 dimes	80
1931 nickels	64

9,779

Chief, Division of General Accounts.

KAM:SH

000919

MINT 014509

EXHIBIT I

TABLE 6
Trip 6
MH 10-3-05

CASHIER'S DAILY SETTLEMENT APR 26 1932

CASHIER'S DAILY SE

MINT 010788

EXHIBIT J

EXHIBIT

TABLE

Tripp 9
MT 10-3-08

REGULATIONS
FOR THE
TRANSACTION OF BUSINESS
AT THE
MINTS AND ASSAY OFFICES OF
THE UNITED STATES
JANUARY 1, 1918

REGULATIONS FOR MINTS AND ASSAY OFFICES.

ployed. The information shall be communicated to the officer in charge as soon as it becomes known.

The mints and assay offices shall not be closed without authority from the Secretary of the Treasury (Sundays excepted) at other times than January 1, February 22, Memorial Day (i. e., May 30), July 4, Labor Day (first Monday in September), December 25, or when these holidays fall on Sunday, the succeeding day—and the day designated by the President to be Thanksgiving Day.

The mechanical preparation or pulverizing of ores and other minerals, mattes, and slags shall be done upon the premises of the mints and assay offices only when a part of the technical processes of these institutions and in the course of their regular business. No assaying or chemical work in a private capacity shall be performed by the officers of the United States mints or assay offices on the premises of these institutions. No professional signs shall be displayed and no professional cards shall be posted or distributed on the premises, nor shall certificates of analysis or assay be given with official captions or signatures except as required by the regular work of the office.

Communications should be made by telegraph or long distance telephone only in case of urgent necessity. Copies of all telegrams shall be kept by the superintendent or assayer in charge and retained as vouchers for telegraph charges.

All business between the office of the Director of the Mint and the several institutions under its jurisdiction shall be made a matter of record. Such business as may be transacted verbally at the institutions themselves on occasions of personal visits by the Director of the Mint, or by officers detailed by the director, shall not be considered complete until confirmed by letter in the regular course of official communication. The same rule shall be observed whenever business is verbally transacted at the office of the Director of the Mint by officers of the several mints and assay offices.

All business and correspondence incident to the manufacture of foreign coin or other articles for foreign governments, and all business with other United States Government departments, commissions, boards, etc., or with other divisions of the Treasury Department, will be conducted through the office of the Director of the Mint, including business with the office of the Super-

REGULATIONS FOR MINTS AND ASSAY OFFICES.

vising Architect concerning buildings and grounds, etc., and replies to communications of the Auditor for the Treasury Department, but excepting the forwarding of such routine reports as are required by the Treasurer's office pertaining to the bullion accounts.

No profits shall accrue to any officer, clerk, or workman of any of the mints or assay offices by reason of the legitimate operations thereof; and no work of any kind for private parties shall be done in mint service institutions other than that officially authorized and in the official routine; and no compensation or reward shall be taken by any employee by reason of work done in mint service institutions for private parties. Violation of this rule shall be cause for dismissal.

All weights, assays, and calculations of bullion shall be verified, when practicable, by some person other than the one originally making same.

The values in the custody of the cashier shall be counted by some one not connected with his office, at least once each month, and as much oftener as the officer in charge may direct, and be verified with the amounts charged to him in the bookkeeper's records; and at each coinage mint certificate of correctness shall be made on the cashier's daily statement forwarded to the Director of the Mint.

Such reports as may be required by the Director of the Mint, not specifically mentioned in these regulations, shall be forwarded promptly.

PERSONNEL.

All employees of the mints and assay offices, with the exception of those appointed by the President, shall be appointed by the Secretary of the Treasury.

Selection of all persons for employment in mints and assay offices, unless specifically excepted from examination, must be made from lists of eligibles supplied by the United States Civil Service Commission, in the manner and according to the rules provided by the commission.

When a position is to be filled requisition must be made by the officer in charge of the mint or assay office on the district secretary of the Civil Service Commission, for certification of eligibles having qualifications for the position. In the absence of a civil-service eligible list, a position which must be filled may be temporarily filled by the selection of any suitable person. The name of